



U.S. FISH AND WILDLIFE SERVICE TRANSMITTAL SHEET

PART	SUBJECT	RELEASE NUMBER
561 FW 14	Pollution Control	371
FOR FURTHER INFORMATION CONTACT Division of Engineering	Emergency Planning and Community Right-to-Know Act	DATE July 26, 2001

EXPLANATION OF MATERIAL TRANSMITTED:

This chapter includes minor revisions and complies with plain language requirements.

ACTING DEPUTY DIRECTOR

FILING INSTRUCTIONS:

Remove:

561 FW 14, 12/31/96, FWM 294 (1 sheet)

Insert:

561 FW 14, 07/26/01, FWM 371 (1 sheet)

14.1 What is the purpose of this chapter? This chapter provides guidance for Emergency Planning and Community Right-To-Know Act (EPCRA) requirements at Service facilities. EPCRA requires disclosure of chemical information to State Emergency Response Commissions (SERC), Local Emergency Planning Committees (LEPC), local fire departments and communities, and, in some instances, the Environmental Protection Agency (EPA).

14.2 Who is responsible for administering the program?

A. The Chief, Division of Engineering is responsible for the overall implementation of the requirements of this chapter.

B. The Chief, Environmental Facility Compliance Office (EFC) is responsible for providing Servicewide technical guidance and assistance to the Regions.

C. Regional Directors have overall responsibility for ensuring compliance with EPCRA requirements.

D. Regional Engineers/Compliance Coordinators are responsible for providing technical assistance to field stations to ensure EPCRA compliance.

E. Project Leaders are responsible for:

- (1) Coordinating with LEPC (usually the local fire department).
- (2) Designating a representative who will participate in the local emergency planning process as a facility emergency response coordinator.
- (3) Performing inventories of chemicals and establishing a list of onsite Extremely Hazardous Substances (EHS's).
- (4) Ensuring that their facility complies with EPCRA regulations.
- (5) Informing employees about EPCRA requirements.

14.3 What are the authorities for this chapter?

A. Emergency Planning and Community Right-To-Know Act of 1986, 42 U.S.C. 11001 et seq. (also known as: Superfund Amendments and Reauthorization Act (SARA) of 1986, Title III) is intended to improve local community access to information about chemical hazards and to improve State and local emergency response capabilities.

B. Pollution Prevention Act of 1990, 42 U.S.C. 13101 et seq. was enacted to reduce or prevent pollution at the source, through cost effective changes in production, operations, and raw material use; help protect the environment; and reduce risks to worker health and safety.

C. Executive Order 13148, Greening the Government through Leadership in Environmental Management, April 21, 2000, requires implementing environmental management, audit programs, right-to-know laws and pollution prevention, release reduction and use reduction of toxic chemicals, and environmentally beneficial landscaping

(replaces Executive Orders 12843, 12856, 12969 and Sections 1-4 of 12088).

D. 29 CFR 1910.1200, Occupational Safety and Health Administration (OSHA) regulation ensures that hazards of chemicals are communicated to employers and employees by means of labeling, warnings, material safety data sheets, and employee training.

E. 40 CFR 302, Environmental Protection Agency (EPA) regulation designates hazardous substances, identifies reportable quantities for these substances, and sets forth the notification requirements for releases of these substances.

F. 40 CFR 355, Environmental Protection Agency regulation establishes the list of extremely hazardous substances, threshold planning quantities, and notification responsibilities.

G. 40 CFR 370, Environmental Protection Agency regulation establishes reporting requirements that provide the public with important information on the hazardous chemicals in their communities to enhance community awareness.

H. 40 CFR 372, Environmental Protection Agency regulation sets forth requirements for the submission of information relating to the release of toxic chemicals.

14.4 What are the definitions of terms used in this chapter?

A. Committee or Local Emergency Planning Committee means the LEPC appointed by the State Emergency Response Commission (SERC).

B. Extremely Hazardous Substance (EHS) is a substance listed in Appendices A and B to 40 CFR 355.

C. Hazardous Chemical is defined as any hazardous chemical that is a physical hazard or a health hazard.

D. Hazardous Substance is any substance designated pursuant to 40 CFR 302.

E. Material Safety Data Sheet (MSDS) is the sheet required to be developed under 29 CFR 1910.1200.

F. Otherwise use or use means any use of a toxic chemical that is not covered by the term manufacture or process and includes use of a toxic chemical contained in a mixture or trade name product. Relabeling or redistributing a container or a toxic chemical does not constitute use or processing of the toxic chemical.

G. Reportable Quantity (RQ) is that quantity of any hazardous substance that when released into the environment is subject to reporting. The RQs are listed in 40 CFR 302, Table 302.4.

H. Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles) of any hazardous substance.

I. Source Reduction means any practice that reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment prior to recycling, treatment, or disposal; and reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants.

J. Threshold Planning Quantities (TPQ) for an extremely hazardous substance means the amount listed in 40 CFR 355, Appendices A and B.

K. Toxic Chemical is a chemical or chemical category listed in 40 CFR Section 372.65.

14.5 What are the reporting requirements?

A. Emergency Planning (Sections 301-303).

(1) Facilities that produce, use or store EHS's in quantities equal to or above the TPQ's (for example, greater than 100 pounds of chlorine) must notify the SERC and LEPC, provide any additional information that the LEPC requires for development of the local emergency response plan, and notify the LEPC of any changes relevant to emergency planning. You can obtain a list of contacts for SERC's from the Chief, Environmental Facility Compliance Office or the EPA.

(2) Facilities must establish a list of onsite EHS's, if applicable, and appoint an emergency response coordinator.

B. Emergency Notification (Section 304).

(1) After an accidental release of an EHS or a hazardous substance that is equal to or above the RQ established for that substance, facilities must immediately notify all SERC's and LEPC's that may be affected. This notification is in addition to the notification to the National Response Center (NRC) under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

(2) Provide written followup reports to the SERC's and LEPC's on actions taken and, if applicable, on any medical effects for the releases.

C. Community Right-to-Know or Hazardous Chemical Reporting (Section 311-312).

(1) Facilities must submit MSDS's or a list of hazardous chemicals onsite (above threshold quantities) to SERC's, LEPC's, and local fire departments.

(2) You must make MSDS's for each chemical available, on request, to the appropriate SERC and/or the LEPC, who may then make it available to the public.

D. Toxic Chemical Release Reporting (Section 313).

(1) Facilities will submit annual reports on toxic chemical releases into the air, water, or land, or transferred off-site during manufacturing, processing, or otherwise used in quantities exceeding specified threshold quantities using a reporting form (Form R). When applicable, Service facilities will submit these reports to Regional Offices by June 1 for consolidation. You must submit the reports to

the EPA and applicable State(s) by July 1. You can obtain the latest versions of Form R and the Section 313 guidance from any EPA office. There are no known Service facilities that exceed specified threshold quantities for Section 313 reporting.

(2) This reporting requirement applies to all Federal facilities, if they meet any of three separate reporting thresholds:

(a) Manufacturing threshold of 25,000 pounds per year.

(b) Processing threshold of 25,000 pounds per year.

(c) Otherwise use threshold of 10,000 pounds per year.

E. Use Reduction. Executive Order 13148 requires a 50-percent use reduction of toxic chemicals, hazardous substances, and other pollutants through identification of proven substitutes and established facility management practices, including source reduction, by December 31, 2006.